

**FILED**

**JAN - 7 2019**

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS ELLIS ALLISON,

Defendant.

CR 15-37-BLG-SPW

**ORDER**

Defendant Nicholas Ellis Allison filed an Unopposed Motion for relief under Rule 36 of the Federal Rules of Criminal Procedure (Doc. 91). Allison requests that the Court amend its July 7, 2017 Judgment to specifically enumerate the number of months of his 33-month federal sentence which are to run concurrent with and consecutive to two state sentences imposed in Yellowstone County Case Nos. DC 15-211 and DC 15-361. He requests this relief in light of the Bureau of Prisons's ("BOP") interpretation of the original Judgment with regard to credit for time served on DC 15-211.

The Court recognizes that state sentencing circumstances subsequent to entry of the federal Judgment render the written sentence ambiguous and raise the prospect that the BOP's ultimate calculation will be inconsistent with the Court's oral pronouncement. The Court will therefore grant the motion, pursuant to

§ 5G1.3(c) of the 2016 Sentencing Guidelines Manual, and enter an Amended Judgment consistent with Allison's motion. Accordingly,

IT IS ORDERED that the motion (Doc. 91) is GRANTED. The Court will separately enter Amended Judgment indicating that 18 months of Allison's federal sentence is to run concurrent with and 15 months is to run consecutive to Allison's aggregate state sentences in the above-referenced cases.

DATED this 7th day of January, 2019.

  
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SUSAN P. WATTERS  
United States District Court